The History Of Jazz Bootlegs
By John Dawson

Live recordings are nothing new in the jazz world. With every performance being different and improvised jazz is really well suited music for live recordings. It's about trying to capture that special one of a kind unforgettable performance. Jazz is music of the moment, it happens and then it's gone never to be the same again, truly a performance art. Documenting and capturing the art-form of live jazz is also part of what this is all about.

It is often said that the first bootleg record was Bob Dylan's Great White Wonder. This was a two-LP set of Dylan's basement tapes from 1969 that came in a plain white jacket. It was the first bootleg to come along that got the attention of the baby-boomer generation and was a smash hit. Later it was estimated that Great White Wonder went on to sell over a million copies and has become a gold record bootleg.

The history of jazz bootlegging started long before the Bob Dylan Album of 1969 fame. The first jazz bootleg may be a radio link in a Louis Armstrong concert done in Denmark 1933. It was captured with the new technology of the time the 78 rpm disc-cutter done by a studio engineer.

One of the early legal tests of bootleg records in the USA occurred in 1936. This happened when transcription recordings made off the air were so good that small radio stations could compile programs by Bing Crosby or Paul Whiteman and sell them to the public as records.

The popular band leader Fred Waring was broadcast over national radio and sponsored by The Ford Motor Company. Fred or his manager were not bothering to make any recordings of his own very popular show. His radio broadcasts were bootlegged with large scale sales to the public. After that he helped form the National Association of Performing Artists to work with ASCAP getting copyright law toughened up. They sued the Pennsylvania recording studio that was selling Fred Waring bootlegs. Waring received a court injunction against them. The very next day they sued WDAS of Philadelphia for airing the records. The court found in favor of Fred Waring. It was the sound of this band that Waring had created is what gave the records their value. The appeals dragged on in court for a while and it is doubtful that much money was ever recovered.

A very early live bootleg 78 album was of Charlie Parker on the Black Deuce label in 1945. This show was a radio broadcast from 1945 Carnegie Hall in New York. The recordings got bought up by the official label and was an official re-issue very shortly after that. Later on, the same show was to be re-mastered and issued as an official CD release.

Dizzy, Ella, The Hawk, Duke, Prez, Bird,Miles, Krupa,Lady Day, Waller, Tatum, Pops and Monk were all subjects of short run early bootleg 78s, albums or CDs.

Perhaps the most famous bootleg in jazz history is of Duke Ellington at the Crystal Ballroom on 11-4-40 in Fargo North Dakota. It was recorded by Richard Burris and Jack Towers two students at the university at the time. On a cold November night in 1939, Towers went and saw Duke Ellington and his Famous Orchestra in Sioux Falls, S.D. When Burris learned Ellington would be in Fargo the

following year, he wrote to the William Morris Agency in New York for permission to make a recording of the concert. The agency granted it, with provisos. He had to promise to get the go ahead from Duke and the manager of the Crystal Ballroom, Ralph E. "Doc" Chinn. He also had to promise not to use the recording for commercial purposes. "We went out to the Crystal Ballroom plenty early," Towers recalls. "We saw the guys in the band up on the stage sitting around playing cards, and they hadn't even put on their uniforms yet." Towers and Burris approached one of the band members and learned he played the trumpet. He was new to the band, a replacement for Cootie Williams. "Well, that was just terrible news, because Cootie was one of our men, the great trumpet player," said Towers. "This was Ray Nance's first night on the job." As the band prepared to play, the two men searched for The Duke for the OK they'd promised to get. Just before the band started they found Ellington. He gave them permission, but couldn't understand why they would want it, saying the trumpets were in "bad shape." Burris and Towers set up in a rush. They had a recording turntable with a sapphire-tipped cutter that carved v-tracks in 16-inch acetate discs. They placed the recorder next to Ellington's piano with two additional microphones, one up high and one down low at the front of the stage. After the orchestra played two or three warm-up pieces, Ellington came out to his piano. The band played "Sepia Panorama," its broadcast theme - local radio station KVOX broadcast part of the show live - and, "Away the program went." The two men cut 5 1/2 discs, 15 minutes per side. "We had no thoughts other than just the thrill of being there, recording, and having something we could play for our own amazement," Towers said. "We had no thoughts whatsoever of recording anything that anybody would be listening to 40 or 50 or 60 years down the line."

From a bootleg to a Grammy winning recording is what happened to this show. Burris and Towers promised the William Morris Agency the recording would never be used for commercial purposes. So how did Dance, or anyone else for that matter, hear it in the first place? "I had dubbed a tape of this for a guy to listen to, and he gave it to somebody else and in 1964 it popped up on LP in bootleg form over in Europe," Towers said. "That was kind of a shock, and I remember talking to Duke Ellington's sister, Ruth. She was head of Tempo Music at that time. About two days later I got a call from their lawyer, and he almost prevented me from ever listening to the thing again. Of course, they had a point... but it was bootlegged, and that was that." Duke Ellington Fargo went on to be issued several different times by many labels. The number of times that this particular show has been issued by different labels both on LP and CD is truly amazing. In late 2000 Duke in Fargo got issued in complete remastered form as an official release for it's 60th anniversary. It has gone on to be a huge seller and some think that this is one of the best live Ellington works ever. Good thing it got recorded!!!

Joseph Krug, an early bootlegger, was tried in federal court in 1954 for taping and pressing radio performances of bandleader Glenn Miller that apparently had never been released legitimately, although the facts of the case do not reveal how or when Krug taped the broadcasts Krug was found liable and had to pay royalties to Miller's publisher and widow.

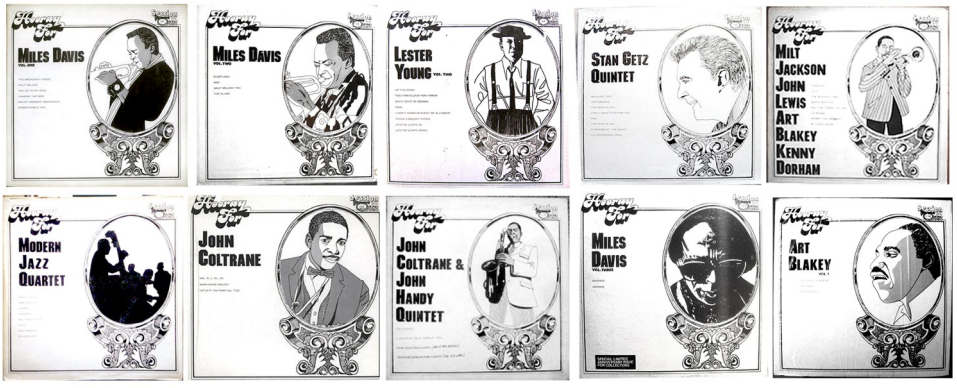
The recording work of Dean Benedetti, Boris Rose and Francis Paudras now are all important parts of jazz audio history. They captured live moments in jazz history that are now preserved for all to listen to but would have otherwise been lost to time never to be heard again. Recordings made by this group of fans have been used for official jazz CDs and continued study of the artist's work as well as jazz history.

Dean Benedetti was the guy that recorded Bird's solos in early 1947 during a two week engagement at the Hi-De-Ho Club. In 1948, like so many other musicians, Dean (and Knepper) headed to New York and lived a desperate hand-to-mouth existence. While in New York, Dean recorded Parker on March 31, 1948, and on July 7, 10, 11, 1948. That is the extent of the recording archive. Dean did not follow Bird around the country and there were no wire recordings. Using his own equipment (A very large 78rpm disc cutting machine) and a tremendous stack of blank discs he went to the club to record and document the shows. Later he went on to use one of the early reel to reel tape recorders with a paper based tape for the same type of recording. On top of recording all this material Dean also took the time and effort to transcribe several of Birds solos and may have been one of the first to do so. The first major written discography of Parker was researched and completed by Benedetti. He is the first fan that took on a live recording project like this on his own and out of his own pocket. At the time it was just a labor of love and had no commercial value to it.

Francis Paudras made several recordings of Bud Powell during his later Paris years. Recordings made at live shows and at his home on a reel to reel tape deck are a real nice body of work that otherwise would have been lost to time never to be heard again. They may not be perfect sound quality, but it captures the era and serves for others to hear. If not for the work of the collector/fan this 1960's period of Bud Powell's music would not have much in the way of recordings and certainly not cover his best playing of that era. Francis was more like an historian than a fan and he was keeper of the flame . Now this music is part of Powell's full body of works.

Boris Rose (1918-2000) was one of those legendary characters who seem to proliferate in the world of jazz. He was tall, articulate, always very well groomed—and by all accounts an outrageous character. An inveterate prankster, he dreamed up a dizzying array of fake label names (including "Titania," "Ambrosia," "Caliban," "Session Disc," "Ozone" and "Chazzer Records"), many of which he tried to pass off as European imports. Most of his albums bore an address on the front, such as "A Product of Stockholm, Sweden." But if you looked closely on the back, it would say something like "Manufactured in Madison, Wisconsin" in much smaller type. The truth was that Mr. Rose produced them all from his brownstone on East 10th Street New York City.

BORIS ROSE'S "SESSION DISC" LIVE RECORDINGS

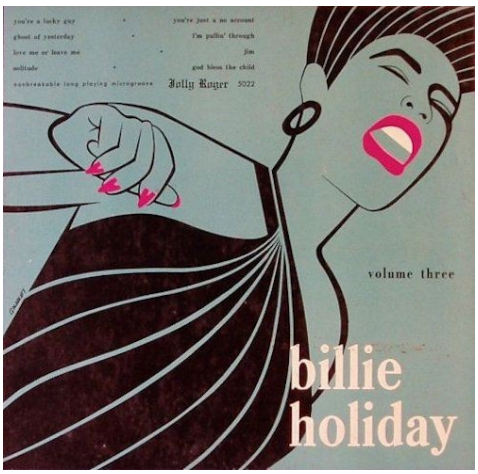


WWW.LONDONJAZZCOLLECTOR.WORDPRESS.COM

He told once that he took great delight in confounding collectors and discographers, whom he regarded as the bean counters of jazz. "I always felt something about jazz," Mr. Rose said in an undated interview with historian Dan Morgenstern that was taped for German television. "As far back as 1930, I listened to broadcasts from the Cotton Club. I heard Duke, I heard Don Redman, I heard Cab Callaway." During his years at City College, Mr. Rose practiced the c-melody saxophone but began to find his calling when he got a job at the MRM Music Shop on Nassau Street. "As far back as 1940, I purchased a home [disc-cutter]

recorder and I began to dub records," he told Mr. Morgenstern. "For the next few years while I was in the Army, I was able to dub records for collectors who couldn't find the originals." From there, he branched out to recording radio broadcasts and then live bands in clubs. "Getting out of the Army in 1946, I had professional equipment, and began to take down all of these jazz broadcasts," he explained. "First on 16-inch acetate discs. Later on, when tape came into the picture, I was able to record on tape." Mr. Morgenstern remembers Mr. Rose as "a man who never sat down—he was always monitoring three or four tape recorders or disc-cutters at any given time." For decades, Mr. Rose ran a thriving business, recording jazz wherever he could, then making and selling copies or trading them for rarer material. He operated from 10th Street, but stored most of his original tapes and acetates in the basement of his house in the Bronx, where he raised his three daughters. Mr. Rose kept detailed notebooks of most every recording he made. The trick, though, is to find the tape to match the written entry. "We won't know what's in there—or what shape it's in—until somebody wants it," Ms. Rose said. The centerpiece of the Rose archive is the Birdland Collection: Mr. Rose recorded virtually every band that played this most legendary of jazz joints, either directly off the airwaves or by smuggling a concealed tape recorder into the club. Over time he amassed a spectacular library of modern jazz from the glory years—the 1950s. His friends found this amazing since he rarely listened to the stuff himself; his own tastes ran to Louis Armstrong and Kid Ory. Still, he documented an entire era of music, the great majority of which hasn't been heard in 60 years. Around 1970, Mr. Rose's business entered a new phase when he began using some of his material for mass-produced LPs that were distributed internationally, generally bearing amateur-looking artwork and misleading information. According to friend and researcher Arthur Zimmerman, Mr. Rose rarely if ever bothered to negotiate with the actual musicians or pay mechanical royalties for the compositions (with the exception of several country albums by Gene Autry, after the singing cowboy's lawyers got in touch). He sold Charlie Parker and Billie Holiday material to ESP Records, and a famous double-LP set of Parker at Birdland to Columbia Records. In the end, Mr. Rose released hundreds of albums, under dozens of label names, up through the mid-'80s. When compact discs took over, he gradually lost interest. In the '90s, he made it known that the archive was for sale, but kept raising the price whenever anybody expressed interest. "He left it to me so I could have an income," said Elaine Rose. "His words to me were, 'Make money with it.' But it's a whole different era now." From the Wall Street Journal 12-4-2010

In the early 1950’s several old 78’s of Louis Armstrong, Johnny Dodd, Jelly Roll Morton, Bessie Smith, Bix Biderbeck and Billie Holliday were reissued as collections on sets of bootleg 10 inch records by the Jolly Roger label. They went on to be big sellers and it was found that there was still a demand for these records. A twenty three year old collector named Dante Bollrtino formed Jolly Roger Records and re-issued other out-of-print records. RCA did bring a law suite against him and he shutdown his operation. After that the big companies began to reissue more old jazz records. Maybe I accomplished something after all was Bolletino’s thought on the matter after it was all over.



During the 12 inch 33rpm vinyl record era Charlie Parker was the king of the bootleg jazz world with more titles than any other jazz artist. Several of Bird's bootleg albums such as live at the Royal Roost, Birdland, Sweden 1950, Pershing Ballroom and Carnegie Hall later went on to be put out as

official releases by major labels. This is now considered to be part of Birds body of work and it started out as bootlegs.

Duke Ellington had more than his fair share of very popular bootleg albums during this era. Duke ran a close second to Parker in number of bootleg albums issued. There were several titles in this group that would go on to be official releases. Live at the Cotton Club 1938-1940, Carnegie Hall 1940-1948 and several different issues of Live in Fargo all started out as bootlegs that later wound up being official releases. Proving again how important live recordings really are and the value to jazz history. This showed how much the fans really wanted to hear this material.

Jazz bootleg albums really prospered from around the early 1960's to about 1985 after that CDs took over. The majority of jazz bootleg record albums were lower to mid range sound quality and only a very few were excellent sound quality. The covers were often black and white or just one single color printed directly on the jacket. A printed paper insert could serve for the cover art as well. Sometimes you would have just blank labels on the record discs themselves. Most Bootleg albums were pressed in the USA or Europe where they would try to pass them off as imports or limited edition collector items. You could often tell that it was not an official release by the label that it was on or by the cover. A release by any artist that is with a major label done on small label and it's not on that label chances are really strong that it is a bootleg. Miss labeled songs and artist names being spelled wrong are all signs of a bootleg record. The words Limited Edition or For Collectors Only are often the indication of a bootleg. Usually the artist and label never aware that any of this was going on.

Labels like Everest Archive of Folk and Jazz, Alamac Record Company, Ingo, Joker, Affinty, Yes Jazz, Jazz Guild, Stardust Records, Jazz Anthology, Circle Records, Aircheck, Spotlight, Musica Jazz, Okiedokie, Alto Records, Jazz Bird, Joyce, Queen Discs, Europa Jazz and Can Am all made vinyl bootleg jazz albums. The vinyl record pressings were short runs around 250-2000 copies per single run. Most titles were one time pressing done by one or two guys and not issued again. It might get pressed at a small plant after hours for some cash under the table. The same material might get repackaged and re-issued by a different label. The records were only available in small specialty shops or by mail order. The distributors were often just one guy going around selling albums directly out of the trunk of his car to the record stores. The price was kept pretty reasonable at $1.99 to $5.99 for a new title. A used rare title could go for $20-$60 (good money for a record in those days) depending on what it was and the demand for it.

In the world of jazz record bootlegs Everest Archive of Folk and Jazz was the largest and most professional label out there. The number of artists that this label covered was something around forty. Their albums in some cases were nicer with better material than small official labels releases! They had full color covers that looked very sharp! The back was black and white printed information and sometimes had it’s own liner notes. They looked nice and respectable and

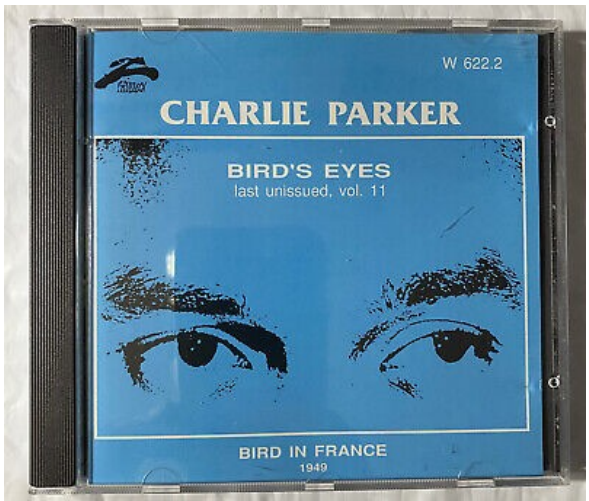
would be right at home in the store rack. Charlie Parker vol.1 – vol.4 was a very nice set of rare recordings by this label, that were highly sought after. Everest was a collectors label just as much as anything and the runs were real short. Lots of rare recordings of obscure jazz and blues artists that collectors really wanted to get their hands on, got issued for the first time or re-issued by this label. There records sold in the small record stores for between $1.99 to $3.99. Everest made vinyl albums throughout the mid and late 1970's and into the 1980's. In the late 1980's the Lazserlight CD company reissued some of the Everest material on CD's with longer shows and better sound quality. They picked up where Everest left off.

During the very early 1970s, the record chain Sam Goody distributed many jazz bootleg releases under their own Alamac label. For this, and for getting someone at a printing plant to make unlicensed extra copies of commercial releases (Steely Dan among them), Sam Goody was busted and nearly closed. The bust didn't help much as they went out of business a couple of years later. (A footnote: someone bought the rights to the name, and did reopen the chain sometime later, but that was a different operation).

Alamac Records product was a plain-white record label with bad printing, with no company name or address on it. The record jackets were plain text on the back, with a single-color front cover (green, brown, etc). The cover could just be text also, or it might have a photo of the artist. The material consisted mostly of privately-made air checks and of radio transcriptions. Most everything that they did were re-issues of Boris Rose releases. According to Philwoods.com, the record label Alamac is counted as a bootleg.

Bootleg CDs often were excellent sound quality and a longer sound upgrades of the shows that had been issued before. The labels for bootleg CDs included Bandstand, Fresh Sound, Dragon, Esoldun, Eclipse, Four Star, Xanadu, Jeal, Viper's Den, Landscape, Soundhills, Magnet , CD Charlie, Jazz Door, Moon, Flashback, Jazz Up, Lazerlight, Philogy, Jazz Hour and Le Jazz to name a few.

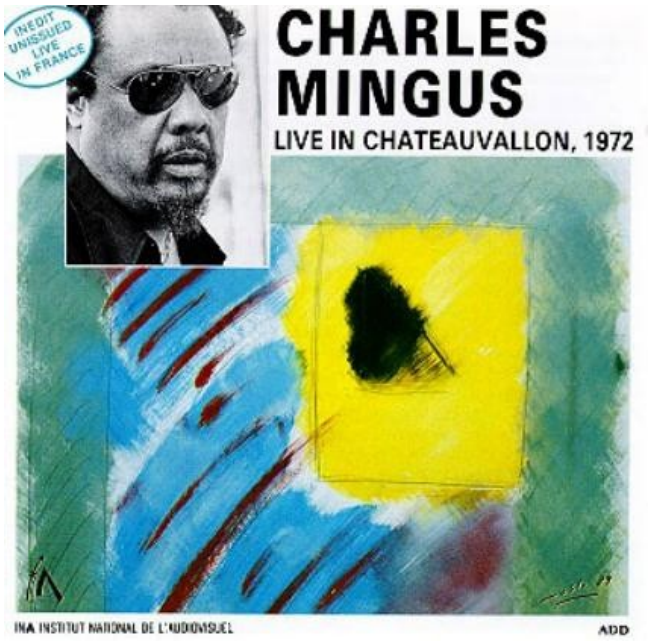
When the new CD format came out there were several issues done around 1989 of newly found material with Charlie Parker, funny how that worked. The collectors wanted this live concert material in any sound quality. Some of the early bootleg CD's of Bird were real poor quality. They still sold well and gave the fans what they wanted to hear. Others were new upgraded sound quality of shows that had been issued in the past along with some completely new material. Over the years the flood of Parker bootlegs on the market has made the official labels have to recognize the importance and value of these recordings and make official issues of them for themselves. This has made more Parker music available to the general public and not just to the hard core fans, this is a good thing! Bird is an American classical musician that needs to have all of his recordings preserved as part of his artistic contribution to music. Adding all of the recordings to his full body of work is really a great thing. Parker always liked his live playing over anything that he ever did in the studio.



The collector series Birds Eyes did a great job of assembling, preserving unreleased Bird material in their series of CDs on the Philogy label out of Italy. Philogy went on to do another great set of discs of Lester Young called Prez's Hat and a series on Clifford Brown. Most of this material is not such great quality but all has major historic value.

The Giants of Jazz CD label out of Italy made both bootlegs and pirate reissues of out-of-print LP material that had yet to be on official CD at that time.

The CD releases of the France's Concert on Esoldun in the late 1980's were all outstanding sound quality and very nicely done. From what I understand all the recordings for this series came directly from France's national recording archive and were never authorized for release. There was a lot of kicking and screaming and an international manhunt for the guys that did it but the makers were never found or convicted.



Sue Mingus, the widow of Charles Mingus, made a provocative sideline of going into record stores in Europe, searching the bins for bootleg Mingus releases and then confiscating them right out of the store. She started doing this in 1991 and after that found the Revenge label in 1996. The Revenge! record label, she says (in the album's liner notes), was started with the intent of finding these bootlegs and re-releasing them legitimately.

The bootleg CD era also made many previously unreleased recordings of Miles Davis come out of the closet and get issued for the first time or get re-issued, longer better quality. The number of new and different Miles Davis recordings that came out in this time period is so large that it is a discussion topic unto itself. There are many other collectors that have been working on Miles Davis for years and understand far more than I ever could. There are several web sites and discussion groups that are dedicated entirely to this vary topic. Miles Davis is just briefly touched on in this collection and is much better covered by many other experts. I decided to leave Miles Davis up to the experts and try to learn about it from them. The Sounds of Miles Davis By Jan Loeman is an outstanding book on this topic.

Most jazz bootlegs were sold at smaller CD stores and passed off as "imports".The runs were often done in Europe and so very small that it was hard to trace and there was really nothing that could be done about it. Many of the jazz pressings were a one time only type run never to be pressed again. Jazz bootlegging was so small, low profile and unprofitable that know one really paid attention to it or cared except the collectors. The profits in jazz bootlegs were tiny compared to the major profit potential with one rock title.

As technology changed in the mid to late 1990's so did the world of bootlegs. Writable CD's turned every CD into a digital dub master disc with absolutely no quality loss. Now every new copy made became a new dubbing master and discs spread like wildfire! Copies of digital music and shows would be everywhere after the price of a burnable CD came down a little. Rare materials got copied and put into circulation. The bootleggers got bootlegged and their materials lost their selling value. The whole event of peer to peer file sharing and things like Napster and Dime a Dozen changed music forever. Once music is converted into an MP3 or other format file it is really easy to share any material for free with anyone and everyone. You get loss-less quality and it is now really easy to find and trade with other collectors and fans. This gave the near fatal blow to the profitability of any bootleg recordings in the market place, never to come back. The trading of the MP3 would all but end the era of both jazz and rock bootlegging for profit. Now many artist's in the rock world, market and sell there own live "bootleg" series directly from there web site. The Miles Davis Bootleg series is selling well and has more to come. Others have there own radio on their site where you can listen to live shows that came from bootlegs. There are now some bootleg LP's for sale but that seems to be more of a limited pressing for collectors sort of thing.

The difference between a recording a bootleg and a pirate disc is this. There is a big difference in all three and they too often get lumped together as one. A pirate disc is made of an official release that just is an outright fake counterfeit copy made to pass as the real thing. Copies of CD's and DVD movies of big name artist works were being made overseas and sold for big profits during the late 1990's through the 2000's. This is done just to make a profit and steal money, nothing interesting to collectors or of historic value here. I did sell a nice pirate copy of a rare Beatles album, but made sure that who I sold to new it was a pirate copy not the collectors item. I only got $15 for it and he new what it was and still liked it.

A bootleg is an unauthorized album or CD with live or unreleased material on it. This is sold to the general public but artist has no control over it and receives no payment. In terms of jazz this is often made to look like some kind of Import disc or limited edition collector's item. This is live material that the serious fans want to hear and it has not been issued in any other way. This was done with several rock artists in the 70's-80's. Most of the bootleg rock titles were done to make big money quickly. The jazz bootlegs were made more by fans/collector types with very small runs that didn't make lots of money. Some of the jazz releases were so small that they just barely broke even and wound up being more a labor of love.